

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL NO. 3:08cv177-MR-DCK

R.M., by and through his)	
Parent, GRACE MINOR,)	
)	
Plaintiffs,)	
)	
v.)	
)	
CHARLOTTE-MECKLENBURG)	
BOARD OF EDUCATION,)	
)	
Defendant.)	
_____)	

**PRETRIAL ORDER
AND CASE MANAGEMENT PLAN**

IN ACCORDANCE WITH the Local Rules of the Western District of North Carolina, and pursuant to Rule 16 of the Federal Rules of Civil Procedure and the telephonic Initial Pretrial Conference conducted by the undersigned with counsel for the parties on July 28, 2008, the Court hereby enters the following Pretrial Order and Case Management Plan in this matter.

I.

- A. TRACK ASSIGNMENT: This case is not assigned to a particular Case Management Track. **This matter is an appeal of an administrative determination, and shall be governed by the requirements herein.**

II.

- A. DISCOVERY GUIDELINES: As this matter is an appeal of an administrative determination, **the parties do not anticipate the need for discovery.**
- B. RULE 26 DISCLOSURES: All information relevant to the appeal should be, with the exception outlined below, contained in the record created during the administrative appeal process. Accordingly, **the parties do not anticipate the exchange of information under Fed. R. Civ. P. 26(a)(1).**
- C. PROTECTIVE ORDERS: The parties may propose a protective order to the Court if one is needed. When/if counsel submit a proposed protective order, the order shall include a provision leaving the ultimate disposition of

protected materials subject to a final order of the Court on completion of litigation.

III.

A. **DEADLINES:** The Court establishes the following deadlines to govern the proceedings in this case:

- **September 1, 2008:** Parties must file (or cause others to file) administrative appeal record with Court.
- **September 1, 2008:** Parties must identify and disclose to the opposing party any new evidence with which the disclosing party proposes to supplement the administrative appeal record.
- **September 15, 2008:** Parties must file written objections, if any, to the opposing parties' proposal to supplement the administrative appeal record.
- **November 1, 2008:** Plaintiff shall file their brief in support of the appeal.
- **December 15, 2008:** Defendant shall file its brief in opposition to the appeal.
- **January 15, 2009:** Plaintiff shall file their reply brief in support of the appeal.

- B. HEARINGS: Hearings ordinarily will be conducted only when the Rules require a hearing, or when the papers filed in support of and in opposition do not provide an adequate basis for decision. **The Court notes that the parties have requested oral argument given the procedural posture of this case, and the Court will take that request under advisement.** If a hearing is scheduled, the Clerk will notify all parties of the date and time set for that hearing.
- C. BRIEFS: No brief may exceed twenty-five (25) pages without court approval. Briefs must be doubled spaced and in at least 14 point type.

IV.

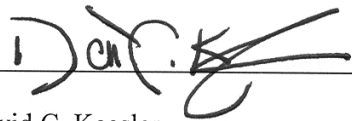
- A. Mediation **IS NOT** ordered in this case at this time. The Court notes that counsel for the parties have indicated that their clients are willing to engage in direct settlement discussions in an effort to resolve this matter. The Court reserves the right at a later time to require mediation, and if necessary, to appoint a specific mediator.
- B. If this case is resolved by settlement of the parties, whether at mediation or otherwise, the parties shall file all such

documents with the Court so as to effectuate the closing of the Court file within thirty (30) days of reaching such an agreement, unless additional time is sought and granted by the Court.

V.

- A. To the extent that any provision of the Local Rules conflict with this Order, this Order shall govern. This Order is subject to modification only by order of this Court and may not be modified by agreements upon the parties.

Signed: July 29, 2008



David C. Keesler
United States Magistrate Judge

